



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120

TDD/TTY
(617) 796-1089

Fax
(617) 796-1142

E-mail
mkruse@newtonma.gov

Public Hearing Date:	October 6, 2009
Land Use Action Date:	December 15, 2009
Board of Aldermen Action Date:	December 21, 2009
90-Day Expiration Date:	January 4, 2010

DATE: October 2, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner *CH*
Alexandra Ananth, Senior Planner

SUBJECT: Petition # **242-09**, PANERA, LLC/LINEAR RETAIL NEWTON #1, LLC for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE for a restaurant in excess of 50 seats and a parking waiver of 25 spaces at 1239-1243 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 28, Lots 21 and 24, containing approx 11,860 sf of land in a district zoned BUSINESS 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioners are seeking to locate a 111-seat Panera Bread restaurant in a vacant retail space on Centre Street in Newton Centre; restaurants with more than 50 seats are allowed in BU-1 zones by special permit. The subject property consists of an 11,860 sq. ft. lot with a multi-tenant commercial building. The petitioners are proposing to occupy a 4,078 sq. ft. space that was most recently leased by the clothing store Tess, which has since consolidated into the adjacent retail space next door as Tess & Carlos. The existing building is legally nonconforming with respect to setbacks. The petitioners propose to expand the building by 422 sq. ft. in the rear to create a three-season patio seating area, and to add a 340 sq. ft. freezer room in the northwest corner of the building. The petitioners must obtain a special permit to enlarge a nonconforming commercial structure even though the proposed additions do not increase the existing nonconformities.

The eight parking stalls located in the rear of the site do not provide enough parking for the proposed number of employees or expected customers, so the petitioners must seek a 25-stall parking waiver. Although the site is located close to three municipal parking lots and other recent studies of Newton Centre indicate there is sufficient parking to accommodate the requested waiver, the parking data submitted by the petitioners does not prove that sufficient parking is consistently available at peak times for this use. The Planning Department recommends the petitioners expand their parking study to include some additional parking counts and include other factors, such as the percent of customers that will walk or are already in Newton Centre for other reasons, as well as information about the hours of operation of nearby businesses that may influence pass-by visit or otherwise show how potential impacts will be addressed.

Finally, the number of pedestrians crossing Centre Street at Pelham Street is likely to increase as a result of this business. This intersection has been identified as hazardous for pedestrians to cross and the Board authorized installation of a pedestrian-activated signal at this intersection in October 2008. The signal is currently being designed. If the Land Use Committee approves this petition, staff recommends the petitioners pay for and install such a signal as a public benefit.

The inclusion of a family restaurant in this location is consistent with the *2007 Newton Comprehensive Plan*, which encourages the vitality of village centers by offering services to nearby neighborhoods, provided the petitioner is able to protect the quality of life in those neighborhoods.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should determine if the following findings apply:

- The proposed expansions to the structure will not be more detrimental than the existing building;
- The proposed restaurant use with greater than 50 seats will positively affect Newton Centre by increasing the vitality of the commercial district; and
- The granting of a waiver for 25 parking stalls will not have adverse affects on parking, traffic, and circulation in the Newton Centre commercial district or adjacent residential streets.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

Located on the west side of the Newton Centre Triangle, the subject property is part of a block zoned Business 1. The block is bounded by Beacon Street to the south and Pelham Street to the north.

There are three large municipal parking lots in the immediate neighborhood including the Pelham Street lot, the Pleasant Street lot, and the Newton Centre "Triangle" lot. Together these lots include approximately 321 metered spaces (although some recently have been "bagged" as part of the employee parking trial) and there is on-street metered parking in the immediate neighborhood as well. Newton Centre is served by the MBTA Green Line and the 52 Bus Line which runs from Watertown to Dedham.

B. Site

The 11,860 sq. ft. site consists of two parcels: a 9,000 sq. ft. parcel containing a multi-tenant commercial building (1235-1243 Centre Street) and a 2,860 sq. ft. parcel containing nine parking stalls that are accessed from Pelham Street. The petitioner proposes to locate a restaurant in a 4,078 sq. ft. space that was most recently occupied by the clothing store Tess, which has since moved into an adjacent storefront. The only other tenant in the building is 344, a women's clothing store. Most of the building is one story with the exception of a two-story area in the southwest corner that is part of 344.

A portion of the rear of the site is open and includes a patio area with a freestanding wall on one side. There also is a parking area in the rear with vehicular access from Pelham Street. The "Existing Parking Plan" shows nine private parking stalls in this area. There are some overgrown trees in this area along with a five-foot chain-link fence that separates the site from the adjacent municipal parking lot.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

Panera Bread is a franchise bakery-café offering made-to-order sandwiches, salads, and a selection of soups and pastries. Proposed hours of operation are 6:00 a.m. to 10:00 p.m. Panera Bread operates seven days a week and serves breakfast, lunch, and dinner. The petitioners have stated that lunch is the largest shift with nine employees staffing the restaurant and kitchen. Panera offers free wi-fi and in some locations offers a Community Room for meetings.

B. Building and Site Design

The proposed facility includes the 4,078 sq. ft. space that the petitioners propose to expand by 422 sq. ft. The main area of the restaurant would contain approximately 72 seats split between café and dining areas, as well as bathrooms, an office, a retail counter, and food prep space. The petitioners propose to expand the footprint of the

building to the rear and enclose the patio as a three-season seating area with either folding doors or a roll up door to accommodate changing weather. This area would hold approximately 14 seats.

A proposed outdoor seating area in the rear would accommodate an additional 25 seats. This area would be screened from the parking area by a six-foot cedar fence. The petitioners propose a pedestrian access point between the municipal lot and the rear of their site with signage above. *The petitioners should indicate whether they will locate all 111 seats inside the restaurant in the winter months or if the proposed number of seats will be reduced when outdoor seating is not an option. It also appears the petitioners may have access to a basement level and plans for this space should be clarified prior to the Working Session.*

The petitioners propose to add a 340 sq. ft. freezer and cooler room adjacent to the building between the outdoor seating area and the on-site parking area. A fenced-in dumpster would also be located in this area. The freezer room will only have access from inside the service area.

The petitioners propose to change a portion of the Centre Street elevation from stucco façade to limestone tile below the window line. The only other alteration at the front of the building is the enclosure of a 48 sq. ft. vestibule within the existing recess along Center Street.

C. Parking and Circulation

There are currently nine parking spaces associated with the subject property, but the petitioners will remove one stall in order to accommodate the outdoor seating area. The petitioners are not proposing any changes to the remaining eight stalls, which are legally nonconforming. Currently the parking area is signed for use by employees of Tess & Carlos and 344. As Panera Bread is proposing to utilize all of these spaces, it is not clear where other users of the building will park and if the displacement of the parking will cause an additional burden on parking in Newton Centre.

Since the building was constructed before the City enacted parking regulations for commercial properties the parking formula of A-B+C applies. The Chief Zoning Code Official has determined in the attached memorandum (*ATTACHMENT "C"*) that the petitioners will need to provide 25 additional spaces (over and above the 8 existing spaces which will be maintained) for the proposed restaurant use, or obtain a special permit from the Board to waive the requirement for these 25 spaces. As the petitioners are unable to provide any additional parking, they are seeking a special permit to waive the 25-stall requirement.

The petitioners submitted a parking study prepared by Planning Horizons on September 30, 2009. Although previous studies of Newton Centre have provided evidence that there is sufficient parking in Newton Centre to accommodate the requested waiver, the Planning Department has several concerns relating to the findings presented by Planning Horizons.

In its analysis, Planning Horizons concluded that since the *average* parking

availability of the lots surveyed is 58 spaces during the lunch peak hour, Panera Bread can meet their 25-space parking waiver requirement. However, the Planning Department notes that there are some instances in which there are 25 or fewer parking spaces available in the lots surveyed. On Thursday June 11, there were only 12 parking spaces available in the lots surveyed at 12:30 p.m. Based on the data presented, the Planning Department concludes that the amount of parking available to meet a 25-space waiver varies widely and is inadequate on some days.

All parking data was collected in June and July 2009, a time of year when parking demand and traffic are typically below average. To provide a more comprehensive picture of the existing conditions, staff recommends the petitioners collect additional data during October and/or November 2009 and consider expanding their study to include *all* lots and metered spaces within a two-minute walk, hours of operation of nearby businesses, as well as journey-to-work data from the most recent census to incorporate information about modal splits.

The petitioners note that a considerable number of employees will access the site from the nearby Newton Centre Green Line station. The petitioners further state that they are relying on substantial walk-in traffic from nearby offices and businesses. As such, the number of pedestrians crossing the Centre Street intersection near Pelham Street is likely to increase. This intersection has been identified as a hazardous intersection for pedestrians to cross. On October 6, 2008, the Board of Aldermen approved \$100,000 to fund the installation of five pedestrian activated signals¹ and a sixth location was subsequently added². The Planning Department believes that the original \$100,000 is adequate to fund design of the signals and install the simpler ones; however, two intersections (Centre/Pelham Streets and Washington/Harvard Streets) will require overhead signals that are more complicated and costly to install than the others. As such, staff recommends the petitioners pay for and install the pedestrian-activated signal at the intersection of Centre Street and Pelham Street as a public benefit. The cost of the signal and installation is estimated at \$25,000.

In general, some of the traffic in Newton Centre is generated by patrons circling the blocks in search of parking spaces. Parking demand peaks between noon and 2 p.m., which is one of Panera's peak times. Thus, some means of reducing parking demand and/or directing people to available spaces may be needed. Better signage in the "Triangle" lot and on Centre Street highlighting the alternative parking spaces may alleviate the perceived parking problem and direct people to parking closest to their destinations. Additionally, signage at Panera Bread identifying the Pelham and Pleasant Streets lots as the preferred parking locations for customers may also alleviate some circulation and congestion issues. Incentives for employees to use alternative forms of transportation should be considered, such as by offering reduced-cost transit passes or the use of bikes and bike racks. These incentives as

¹ Board Order #319-08 approved pedestrian-activated signals at these intersections: Centre Street at Pelham Street; Crafts Street at Linwood Avenue; Waverley Avenue at Franklin Street; Waverley Avenue at Arlington Street; Washington Street at Harvard Street

² Langley Road at Langley Path

well as staff responsibilities for administering parking policies should be incorporated into a parking management plan for the restaurant. In addition, the petitioners should upgrade the proposed handicap-parking stall to AAB standards.

Finally, the Planning Department notes that other communities have initiated programs in which petitioners make payments in lieu of providing parking stalls. In-lieu payments may be used toward reducing parking demand or improving existing parking conditions. Planning Department staff recommends the Board of Aldermen consider developing such a program for cases like this.

D. Landscape Screening, Lighting, and Signage

The petitioners submitted a landscape plan showing four 2'x2' planters to be planted with bamboo. The plan also indicates that the existing chain-link fence will be removed and replaced with a six-foot horizontal cedar fence. The landscape plan does not include the parking area, so it is assumed that the petitioners are not proposing any plantings in this area. The petitioners have not submitted any information to the Planning Department regarding any trees to be removed. Some trees appear to be in poor shape and should be trimmed. Additionally, the Planning Department recommends the petitioners consider an additional planter in the recessed area of the storefront along Centre Street.

The petitioners did not submit any information on proposed lighting.

The petitioners have submitted an application to the Urban Design Commission (UDC), which will review proposed signage on October 21, 2009. UDC comments should be provided in time for any scheduled Working Session. The petitioners have not decided on internal or external illumination for this sign, but the Planning Department recommends external down-lit illumination. The proposed sign appears to meet size requirements of the Sign Ordinance. The petitioners also propose a sign at the rear entrance over the proposed new fence between the outdoor seating and the municipal lot.

IV. COMPREHENSIVE PLAN

The November 2007 *Newton Comprehensive Plan* encourages enhancing village centers and their vitality by providing services to nearby neighborhoods, while protecting the qualities of those neighborhoods. As it is more difficult to expand businesses without reconstructing buildings in this built-out village center, it is important to maintain viable businesses so as to support the commercial real estate tax and employment bases. The goals of the *Comprehensive Plan* to maintain a desirable quality of life would be further supported if the proposed business offered incentives for employees and customers to take advantage of alternative forms of transportation and/or demonstrate how surrounding neighborhoods will be protected from overflow parking.

V. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated August 7, 2009, provides an analysis of the project with regards to the City's zoning regulations. The building and parking are legally nonconforming and the proposed additions do not increase these nonconformities. However, in order to

enlarge a nonconforming commercial structure, the petitioners must obtain a special permit from the Board. A review for conformance with dimensional requirements is included in the Zoning Review Memorandum.

- B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. The petitioners are seeking a waiver of 25 required parking spaces in order to accommodate the proposed 111 seats and required staffing levels on the largest shift. The Planning Department notes that some changes to the existing parking area should be considered including properly dimensioning the handicapped parking stall and better identifying the parking area with signage.

C. Other Reviews

1. Engineering Division. The Associate City Engineer notes a number of issues in his review (*ATTACHMENT "D"*) that can be resolved prior to the issuance of a building permit should the Board choose to approve this project.
2. Fire Department. The Assistant Chief of Operations has reviewed and approved site plans for water and accessibility.
3. Traffic. Sr. Transportation Planner David Koses and Transportation Engineer Jim Danila have reviewed the submitted parking analysis and contributed to the Parking and Circulation section of this report.
4. Urban Design Commission. The petitioners propose an externally down-lit wall sign of 50 sq. ft. mounted above the door and a sign at the proposed rear access point to the municipal parking lot. The petitioners are expected to appear before the Commission on October 21, 2009 for review of proposed signage.

VI. ZONING RELIEFS SOUGHT

The petitioners are seeking approval through or relief from:

- Section 30-15, Table 3, & 30-21(b), to expand a legally nonconforming commercial structure;
- Section 30-11(d)(9), to allow a restaurant with more than 50 seats in the BU-1 zone;
- Section 30-19(c)(2), 30-19(d), & 30-19(m), to waive 25 required parking spaces;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permits.

VII. SUMMARY OF PETITIONERS' RESPONSIBILITIES

Prior to scheduling for a Working Session, the petitioner should provide the following:

- Updated parking information and parking management as described in this report
- Clarification as to whether they will locate all 111 seats inside the restaurant in the winter months or if the proposed number of seats will be reduced when outdoor seating is not an option
- Current or future plans for use of the basement

ATTACHMENTS

ATTACHMENT A: Zoning Map

ATTACHMENT B: Land Use Map

ATTACHMENT C: Zoning Review Memorandum, dated June 11, 2009

ATTACHMENT D: Memorandum from John Daghlion, dated September 23, 2009

Zoning Map

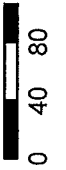
1241 Centre Street

Legend	
	1241 Centre Street
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use

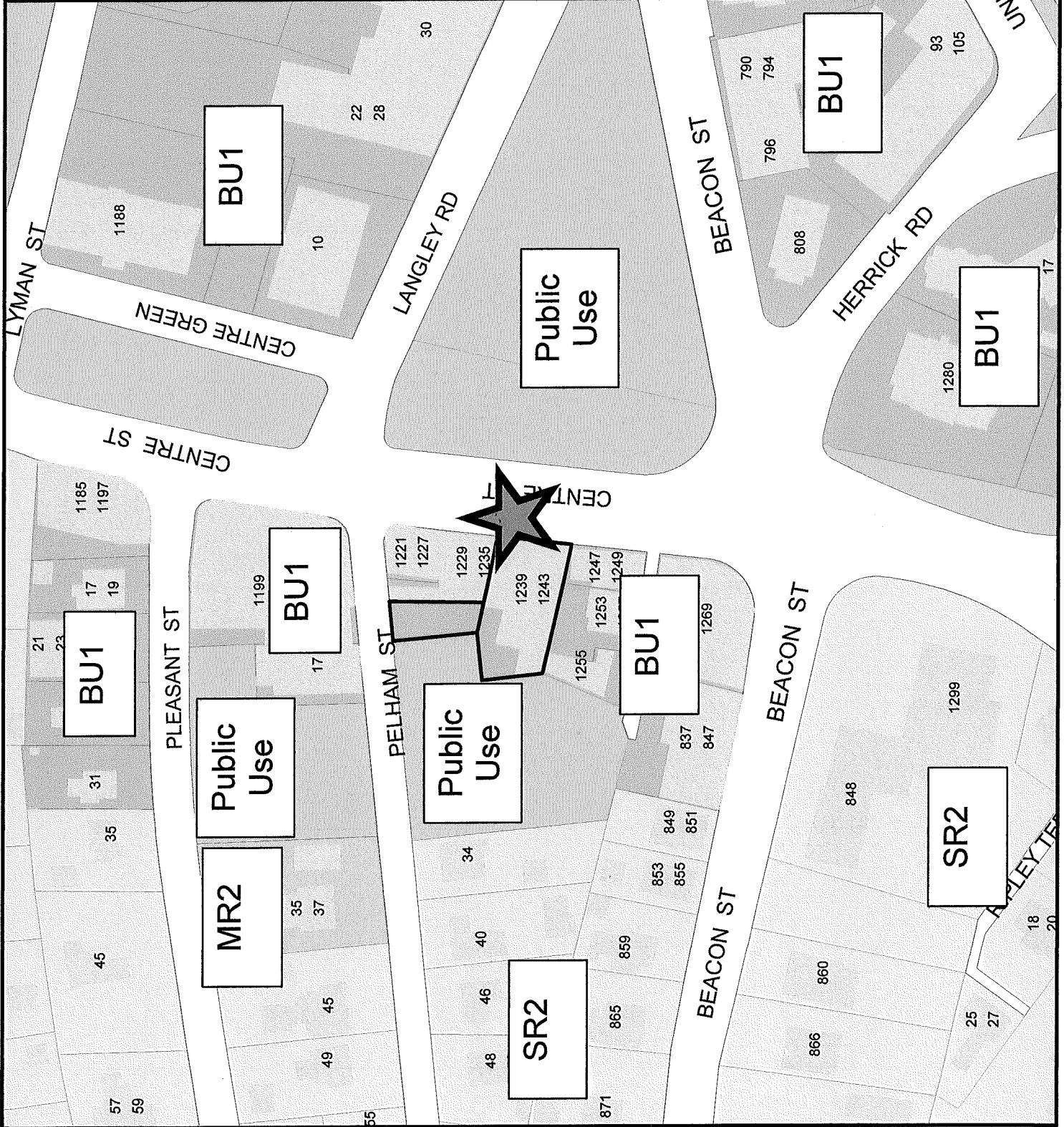


ATTACHMENT A

The information on this map is for informational purposes only. It is not intended to be used for any legal or financial purpose. City departments approve applications based on the information on this map.

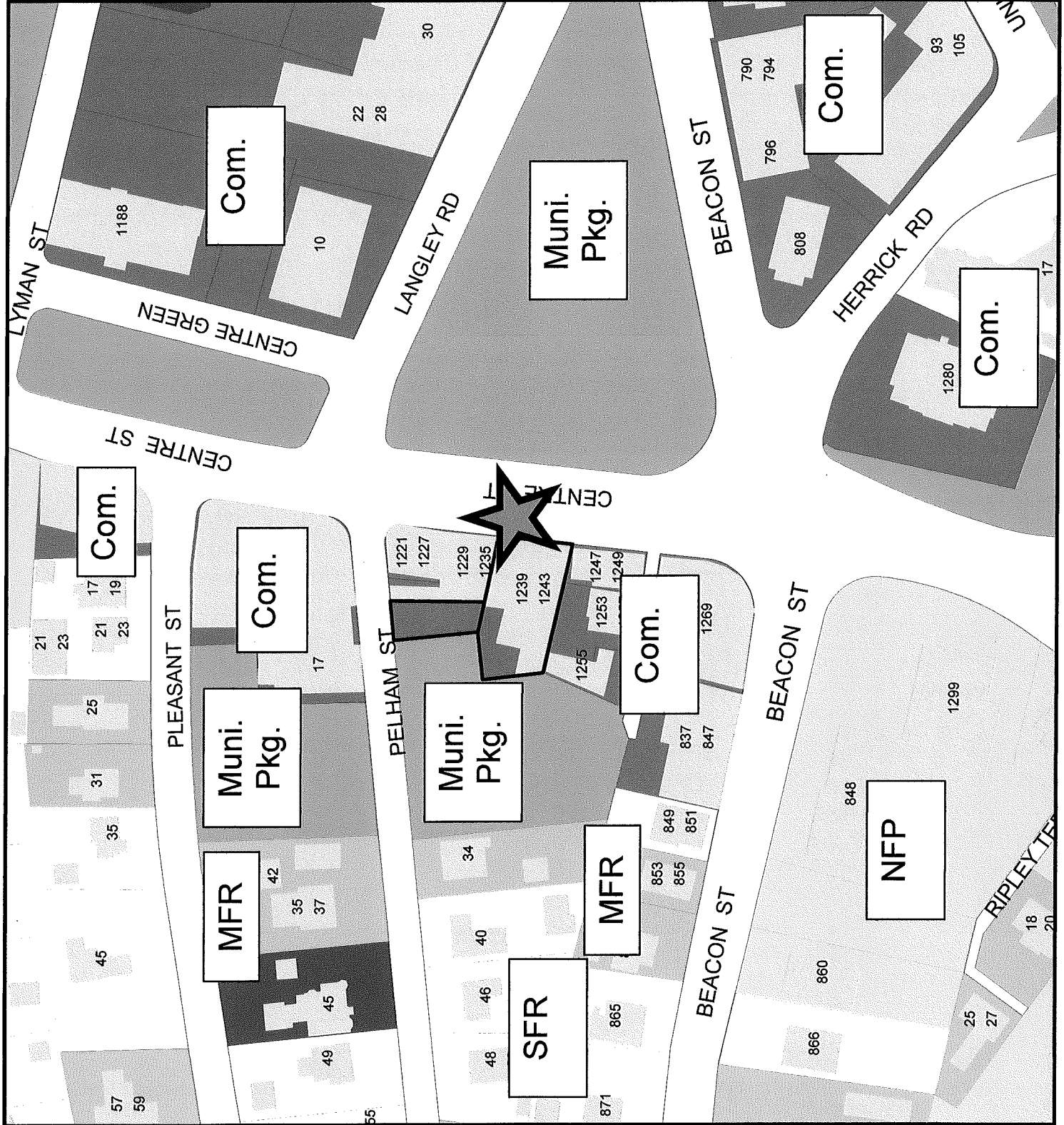


MAP DATE: October 2011



Land Use Map

1241 Centre Street



Legend

	1241 Centre Street
	Building Outlines
	Single Family Residential
	Multifamily Residential
	Commercial
	Industrial
	Mixed Use
	Vacant Land
	Golf Course
	Open Space
	Private Educational
	Nonprofit Organizations
	Public Housing
	Tax Exempt
	Unspecified



ATTACHMENT B

The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their own purpose. City departments may not be able to approve applications based on this information.



MAP DATE: Octo

Zoning Review Memorandum

Dt: August 7, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner *CH*

Cc: Michael Kruse, Director, Department of Planning and Development
Stephen J. Buchbinder, representing Panera, LLC
Ouida Young, Associate City Solicitor

RE: Request to allow a restaurant with more than 50 seats.

Applicant: Panera, LLC

Site: 1241 Centre Street Zoning: BU-1 Current use: Vacant retail space	SBL: Section 64, Block 28, Lots 21&24 Lot Area: 11,860 square feet Proposed use: 111-seat restaurant
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Background:

The subject property consists of an 11,860 square foot lot currently improved with a multi-tenant commercial building. The applicants are proposing to replace a vacant retail space (formally the clothing store Tess which has since moved next door) with a 111-seat restaurant.

Administrative determinations:

1. The subject property is located in the BU-1 zone and is subject to the dimensional requirements in Section 30-15, Table 3. The existing building is legally nonconforming with respect to setbacks (see chart below). Although the proposed additions onto the building do not increase these nonconformities, in order to enlarge a nonconforming commercial structure the proponents must obtain a special permit from the Board of Aldermen under Section 30-21(b).

Dimensional Control	Required	Existing	Proposed
Number of Stories	2	2	No change
Height	24 feet	20 feet	No change
Floor Area Ratio	1.00	0.7	0.75
Minimum Lot Area	10,000 square feet	11,880 square feet	No change
Setbacks			
• Front	Avg.	0 feet	No change
• Side	½ building height	0 feet	No change
• Rear	0	0 feet	No change

2. the applicants are proposing a restaurant with 111 seats. Per Section 30-11(d)(9), a restaurant with more than 50 seats is allowed in the BU-1 zone with a special permit from the Board of Aldermen.
3. The most recent use of the property was a retail store. There is a parking lot of eight stalls on the property. These spaces will remain but are insufficient to provide parking for all of the uses in the

existing building. Since the building was constructed and occupied before the City enacted parking regulations for commercial properties, Section 30-19(c)(2) of the Zoning Ordinance applies. The chart below shows the number of parking spaces that have been grandfathered for the previous use and the number of spaces required for the proposed use per the requirements of Section 30-19(d).

Use	Required	Prior Use	Previous Parking Requirement (B)	Proposed Use	Proposed Parking Requirement (A)
Retail store	1 space/300 sq. ft. and 1 space/3 employees	4,078 sq. ft. and 3 employees	15	N/A	N/A
Restaurant	1 space/3 seats and 1 space/3 employees	N/A	N/A	111 seats and 9 employees	40

4. Section 30-19(c)(2) outlines a formula ($A - B + C =$ number of required spaces) to determine how many on-site parking spaces must be provided with a change of use in a building. Variable A is the number of off-street parking stalls required under 30-19(d) for the proposed use. Variable B is the number of off-street parking stalls that would have been required for the previous use. And Variable C is the number of off-street parking spaces located on-site. One way to use this formula is to calculate the number of spaces required by all of the existing and proposed uses in the building and factor in the eight parking spaces on-site. The result of this calculation will be the number of spaces a new use needs over and above the number of spaces required by the previous use. More simply, subtracting the number of spaces required by the specific old use to be replaced from the number of spaces required by the new use (which will replace it) will result in the same number of additional spaces that will need to be provided, (assuming that Variable C is unchanged and less than the total number of spaces previously required as it is in this case). For the subject application, the proponents will need to provide 25 additional spaces on-site for the proposed restaurant use ($40 - 15 = 25$) or obtain a special permit from the Board of Aldermen under Section 30-19(m) to waive these required parking spaces.

5. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance		Action Required
	Site	
§30-15, Table 3, 30-21(b)	Expand legally nonconforming commercial structure	SP per §30-24
	Use	
§30-11(d)(9)	Allow restaurant with more than 50 seats in the BU-1 zone	SP per §30-24
	Parking	
§30-19(c)(2), 30-19(d), 30-19(m)	Waive 25 required parking spaces	SP per §30-24

Plans and materials reviewed:

- Parking Calculation, Proposed Panera Bread, 1241 Centre Street
- Floor Area Ration Calculation, prepared by GEOD Consulting, F. Lawton Struble III, PLS
- Email from Jerry Burg confirming that the layout of the existing parking facility is unchanged since the 1950's
- "Existing Parking Plan, 1239-1241 Centre Street, Newton, MA," dated 7-21-09, signed and stamped by Christopher Emilius, Professional Engineer
- "Proposed Site Plan, 1239-1243 Centre Street, Newton, Massachusetts," dated July 20, 2009, signed and stamped by Francis L. Struble, Professional Land Surveyor and Christopher Emilius, Professional Engineer
- "Area Plan, 1239-1243 Centre Street, Newton, Massachusetts," dated July 8, 2009, signed and stamped by Francis L. Struble, Professional Land Surveyor
- "Proposed Panera Bread, Color Renderings, 1241 Centre Street, Newton, MA," designed by Peter Sullivan, dated 7-8-09, neither stamped nor signed by a licensed professional
- "Proposed Panera Bread, Proposed Floor Plan, 1241 Centre Street, Newton, MA," designed by Peter Sullivan, dated 7-8-09, neither stamped nor signed by a licensed professional
- "Proposed Panera Bread, Proposed Site and Patio Plan, 1241 Centre Street, Newton, MA," designed by Peter Sullivan, dated 7-8-09, neither stamped nor signed by a licensed professional
- "Proposed Panera Bread, Existing Exterior Elevations, 1241 Centre Street, Newton, MA," designed by Peter Sullivan, dated 7-8-09, neither stamped nor signed by a licensed professional
- "Proposed Panera Bread, Proposed Exterior Elevations, 1241 Centre Street, Newton, MA," designed by Peter Sullivan, dated 7-8-09, neither stamped nor signed by a licensed professional
- "Sheet L-1.0, Landscape Plan" drawn by cubellis architects, dated 7-17-09, neither signed nor stamped by a licensed professional
- "Sheet EC-2.1, Floor Plan, Existing Conditions" drawn by cubellis architects, dated 7-17-09, neither signed nor stamped by a licensed professional

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 1239-1243 Centre Street Panera Bread

Date: September 23, 2009

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Zoning Officer, (via email)
Alexandra Ananth, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Proposed Site Plan
1239-1243 Centre Street
Newton, MA
Prepared by: GEOD Consulting
Dated: July 20, 2009*

Drainage:

1. Although no new impervious areas are being added, there is an existing on site drainage system which includes catch basins and roof leaders/down spouts, clarification is needed as to where runoff from this drainage system connects or terminates.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and adopted by applicant, incorporated into the deed; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all apparentness including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the applicant.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Water & Sewer:

1. If a sprinkler system is required by the Fire Department, then a fire flow test is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. The existing water service dates back to 1936, and needs to be updated for the new use.
3. As the use of the building will change to food preparation & restaurant, a grease trap is required on the sanitary sewer service. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the building then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
4. The location of the existing water and sewer services need to be shown on the site plan.

Site Improvements & Access:

1. The site contains three deciduous trees that have several dead limbs that overhang onto the municipal parking lot, one tree in the easterly side of the property overhangs two handicap parking stalls and needs to be removed. The three trees should be removed (with consultation of the Tree Warden) and replace with new trees.
2. Based a site visit this building has access from the municipal parking lot; with the proposed patio seating areas, is there any intent to have handicap access to the patio for the municipal parking lot? If so a handicap ramp will be needed in the parking lot to meet current ADA and Architectural Access Board's Regulations.
3. It appears that the dumpster location is partially on the abutting property does an easement for it placement and maintenance exist?

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*

5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.